

Exhibit D

1270

1 SUPERIOR COURT OF NEW JERSEY
 2 ATLANTIC COUNTY/CIVIL DIVISION
 3 DOCKET NO. ATL-L-6966-10
 4
 5 LINDA GROSS and JEFFREY GROSS, : STENOGRAPHIC
 6 Plaintiffs, : TRANSCRIPT OF:
 7 :
 8 v. :
 9 : - TRIAL -
 10 GYNECARE, ETHICON, INC., JOHNSON & :
 11 JOHNSON, and JOHN DOES 1-20, :
 12 Defendants. :
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 14 PLACE: ATLANTIC COUNTY COURTHOUSE
 15 1201 Bacharach Boulevard
 16 Atlantic City, New Jersey
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 18 DATE: January 17, 2013
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Witness

Direct

Cross

Redirect

Recross

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ANNE WEBER,

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ANNE WEBER,

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MD, MS

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1306

1 A Correct.
 2 Q You never watched a surgery. Correct?
 3 A Correct.
 4 Q You'd never seen any removal of mesh from
 5 Prolift?
 6 A Correct.
 7 Q You had never attended any professional
 8 education courses sponsored by Ethicon with respect to
 9 Prolift?
 10 A Correct.
 11 Q You'd never attended any professional
 12 education courses sponsored by any other manufacturer
 13 on a mesh kit, had you?
 14 A Correct.
 15 Q You had never spoken with anyone at
 16 Ethicon?
 17 A Correct.
 18 Q Never spoken with anyone that was involved
 19 in the transvaginal mesh group?
 20 A Correct.
 21 Q You had never reviewed any of the product
 22 literature with respect to Prolift?
 23 A The medical literature?
 24 Q The product literature?
 25 A The product, the product labeling.

1307

1 Q The instructions for use?
 2 A Okay. The product labeling. No, I had not.
 3 Q Never reviewed the patient brochure?
 4 A No.
 5 Q In terms of your experience with medical
 6 devices, you've never been involved in the design of a
 7 medical device, have you?
 8 A No, I have not.
 9 Q You've never been involved in the
 10 development of what it takes to design a medical
 11 device, have you?
 12 A No, I have not.
 13 Q You've never been involved in any clinical
 14 trial to evaluate the safety or efficacy of a medical
 15 device prior to marketing, have you?
 16 A No.
 17 Q You have never personally performed a
 18 device design safety assessment, have you?
 19 A No.
 20 Q You've never performed a failure mode
 21 evaluation and efficacy analysis on a prospective new
 22 device, have you?
 23 A No, I have not.
 24 Q You have never evaluated whether or not
 25 certain steps needed to be taken to comply with

1308

1 governmental regulations, have you?
 2 A Not for a medical device manufacturer. I have
 3 for drug evaluations.
 4 Q You've never been involved in the
 5 preparation of a 510(k) application for a medical
 6 device, have you?
 7 A No.
 8 Q You have never been involved in the
 9 determination of what's required under FDA guidances
 10 for medical devices, have you?
 11 A No, I have not.
 12 Q In fact, before being involved in this
 13 lawsuit, you'd never read the FDA regulations with
 14 respect to medical devices, had you?
 15 A No, I had not.
 16 Q If we go back, I asked you about Prolift
 17 and whether or not you'd ever observed a Prolift
 18 surgery.
 19 Have you ever participated in any cadaver
 20 research with respect to a mesh kit?
 21 A No.
 22 Q By that, I mean you've never participated,
 23 for example, in a lab where you practiced insertion of
 24 devices for pelvic floor repair surgery involving mesh
 25 with cadavers?

1309

1 A Correct.
 2 Q If we turn to polypropylene mesh, prior to
 3 becoming involved in this lawsuit, you'd never been
 4 engaged in any research or study with respect to the
 5 characteristics of polypropylene mesh for use in pelvic
 6 floor repair surgery, had you?
 7 A The research was not primarily my own. Dr. Pam
 8 Moalli, M-O-A-L-L-I, at the University of Pittsburgh is
 9 very closely involved in performing research on the
 10 characteristics of surgical meshes, including meshes
 11 used in Prolift, for example. So our fellows were also
 12 involved in that research. And I participated to the
 13 extent that I was guiding and supervising the fellows
 14 in the performance of their research with Dr. Moalli.
 15 Q You did not participate in that research,
 16 did you?
 17 A Just as a look-see, not as a co-investigator.
 18 Q You've never been involved in doing any
 19 biomechanical studies on polypropylene mesh, for
 20 example, have you?
 21 A No, I have not.
 22 Q You've never been involved in doing any
 23 animal or toxicology studies with respect to
 24 polypropylene mesh, have you?
 25 A Again, with the exception of the work with Dr.